950.

SUPREME COURT OF THE UNITED STATES.

No. 111.

PLANTERS' BANK OF MISSISSIPPI, PLAINTIFF IN ERROR,

vs.

THOS. L. SHARP & AL.

IN ERROR TO THE HIGH COURT OF ERRORS AND APPEALS, OF THE STATE OF MISSISSIPPI.

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J. & G. S. Gideon, printers.

THE STATE OF MISSISSIPPI,
High court of errors and appeals,
November Term, A. D. 1844.

PLANTERS' BANK,
vs.
THOMAS L. SHARP, Edward Engelhard, and Henry Hampton Bridges.

Pleas and proceedings before the high court of errors and appeals, of the State of Mississippi, at a regular term of said court, began and held at the court room, in the city of Jackson, on the first Monday of November, A. D. 1844, their honors, William L. Sharkey, Alexander M. Clayton, and Joseph S. B. Thacher, being present.

Be it remembered, that heretofore, to wit, on the thirtieth day of December, A. D. 1842, the President, Directors, and Company of the Planters' Bank of the State of Mississippi, sued out a writ of error to the circuit court of Lawrence county, which writ of error, together with the petition therefor, and transcript of the record sent up in obedience thereto, is in the words and figures following, to wit:

Petition for writ of error.

THE STATE OF MISSISSIPPI, *Lawrence county:* In the circuit court, the first Monday after the 4th Monday in November, 1842.

PLANTERS' BANK,
vs.
THOMAS L. SHARP, et al.

To Edward L. Bowen, clerk of the circuit court of said county: Your petitioners, the President, Directors, and Company of the Planters' Bank of the State of Mississippi, plaintiffs in the above stated case, would represent, that at the term of the Lawrence circuit court aforesaid, 1842, a judgment was rendered in the above stated case against them, and that manifest errors exist in the proceedings and judgment of said case; and your petitioners, desiring to have said proceedings and judgment reviewed in the high court of errors and appeals of the State of Mississippi, petition Edward L. Bowen, clerk as aforesaid, for a writ of error, returnable to said court, upon your petitioners entering into bond as required by the statutes in such cases made and provided; and as in duty bound will ever, &c.

President, Directors, and Company of the Planters' Bank of the State of Mississippi.

By WILLIAM A. STONE, *their Attorney.*
EDWARD L. BOWEN, *Clerk.*

Filed 30th December, 1842.

Writ of error.

The State of Mississippi, to the clerk of the circuit court of Lawrence county, greeting:

Because manifest error hath intervened in the record and process, proceedings and judgment, in and before the said circuit court, in a suit between the President, Directors, and Company of the Planters' Bank of the State of Mississippi, plaintiffs, and Thomas L. Sharp, Edward Engelhard and H. Hampton Bridges, defendants, of a plea of trespass on the case in assumpsit, wherein the defendants recovered of the plaintiffs, to the great damage of the said plaintiffs, as by the complaint of the plaintiffs we are informed. And we being willing that error, if any there be, shall be corrected in due manner, and full and speedy justice done in the matter, do command you, if judgment be so given, to send under the seal of your said court, openly and distinctly, a complete and perfect exemplification of all of the said record, process, proceedings and judgment, with this writ, so that the same be before our high court of errors and appeals, to be held at Jackson, on the first Monday of January next; that on inspection thereof, our said high court may cause to be done thereupon, for the correction of that error, what of right and according to our laws ought to be done.

Witness the honorable William L. Sharkey, chief justice of our said high court, the first Monday of July, 1842. Witness also Edward L. Bowen, clerk of the circuit court aforesaid, and the seal of that court in the margin hereof, the 30th day of December, 1842, this last day being the day of the date and issuance of this writ.

EDWARD L. BOWEN, *Clerk*.

Bond.

Know all men by these presents, that the President, Directors, and Company of the Planters' Bank of the State of Mississippi, and William A. Stone, are held and firmly bound unto Thomas L. Sharp, Edward Engehard and H. Hampton Bridges, their executors, administrators, or assigns, in the penal sum of four hundred dollars, for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, by these presents. Sealed with our seals, and dated this the 29th day of December, A. D. 1842.

The condition of this bond is such, that whereas, in the circuit court of Lawrence county, and the State of Mississippi, on the second day of the term, on the first Monday after the fourth Monday in November, 1842, by a judgment of said court, the said Thomas L. Sharp, Edward Engelhard and H. Hampton Bridges, recovered judgment against the said President, Directors, and Company of the Planters' Bank of the State of Mississippi, in a certain action of assumpsit, the sum of sixty-five dollars and eighty-seven and a half cents; and the said President, Directors, and Company of the Planters' Bank of the State of Mississippi, prayed and obtained a writ of error to the next term of the high court of errors and appeals of the State of Mississippi, to revise

or reverse said judgment. Now if the said President, Directors, and Company of the Planters' Bank of the State of Mississippi, shall prosecute said writ of error with effect, or in case of failure therein shall pay and satisfy the amount of said judgment according to the consideration of the said appellate court, and moreover perform and satisfy such the consideration and judgment of said appellate court thereon, then this obligation to be void, otherwise it is to be and remain in full force.

President, Directors, and Company of the Planters' Bank of the State of Mississippi.

By JOHN S. CARSON, [SEAL.]
Agent and attorney in fact.
WM. A. STONE, [SEAL.]
EDWARD. L. BOWEN, *Clerk.*

Filed 30th December, 1842.

Citation.

The State of Mississippi, to the sheriff of Lawrence county, greeting:

Whereas, on the sixth day of December, 1842, by the judgment of our circuit court of Lawrence county, Thomas L. Sharp, Edward Engelhard and H. Hampton Bridges, recovered the sum of sixty-five dollars and eighty-seven and a half cents, for costs against the President, Directors, and Company of the Planters' Bank of the State of Mississippi, and the said President, Directors, and Company of the Planters' Bank of the State of Mississippi, hath obtained a writ of error, returnable into our high court of errors and appeals at Jackson, on the first Monday of January, 1843, and hath given bond for supersedeas. We therefore command, to cite the said Thomas L. Sharp, Edward Engelhard, and H. Hampton Bridges, or their attorney of record, to appear then and there, in and before said high court, to defend said writ of error; and we further command you forthwith to supercede and desist from any further and all execution and action whatever upon the said judgment; and to have then and there this precept before our said high court.

Witness the honorable William L. Sharkey, chief justice of our said high court, the first Monday of July, 1842. Witness [SEAL.] also Edward L. Bowen, clerk of the circuit court of Lawrence county, and the seal of his court affixed, the 30th day of December, A. D. 1842.

EDWARD L. BOWEN, *Clerk.*

Come to hand January 6, 1843.

S. SUTTON, *Sheriff.*
By J. E. HARPER, *Deputy.*

Executed January 10, 1842.

S. SUTTON, *Sheriff.*
By J. E. HARPER, *Deputy.*

Transcript.

Civil proceedings in the circuit court of Lawrence county, held at the court house in Monticello, on the first Monday after the fourth

Monday of November, in the year of our Lord one thousand eight hundred and forty-two, before the honorable A. G. Brown, judge of the circuit court of the fourth judicial district of the State of Mississippi, therein solely presiding.

Be it remembered, that a writ of capias ad respondendum was issued out of the court aforesaid, and return thereon made in these words:

The State of Mississippi, Lawrence county, to the sheriff of Lawrence county, greeting:

We command you to take Thomas L. Sharp, Edward Engelhard, and Henry Hampton Bridges, if to be found in your county, and them safely keep, so that you have them before the circuit court, to be holden in and for Lawrence county, at the court house thereof, on the 4th Monday of October inst., to answer the President, Directors, and Company of the Planters' Bank of the State of Mississippi, of a plea of trespass on the case, to their damage two thousand dollars.

Witness the honorable V. T. Crawford, judge of the eleventh judicial district of the State aforesaid, at the court house of said county, the fourth Monday in April, in the year of our Lord one thousand eight hundred and forty-one, and in the sixty-sixth year of the sovereignty and independence of the United States of America; issued on the eleventh day of October, 1841.

EDWARD L. BOWEN, *Clerk*.

This is an action of trespass on the case founded on defendants' promissory note, amounting to $1,000, dated May 24th, 1839, due twelve months after date. No bail required, but judgment will be required at the return term of this writ.

HOLLIDAY & CASSIDY,
Plaintiff's Attorneys.

Come to hand the 11th October, 1841.

S. SUTTON, *Sheriff*.

Executed on Thomas L. Sharp, by delivering a copy of this writ to John Sharp, at his residence, the said Thomas L. Sharp being absent, the 12th October, 1841.

S. SUTTON, *Sheriff*.

Executed on Edward Engelhard, the 14th of October, 1841.

S. SUTTON, *Sheriff*.

Executed the within on the within Henry Hampton Bridges, by leaving a copy with defendant's wife, at his residence, he being absent, October 14, 1841.

S. SUTTON, *Sheriff*,
By J. E. HARPER, *Deputy*.

And at the issuing of said writ, the plaintiffs filed their declaration in these words:

THE STATE OF MISSISSIPPI, *Lawrence county*.

Lawrence circuit court, October term, 1841.

The President, Directors, and Company of the Planters' Bank of the State of Mississippi, by attorney, complain of Thomas L. Sharp, Ed-

ward Engelhard, and Henry Hampton Bridges, in custody, &c., of a plea of trespass on the case on promises. For that whereas the said defendants, under the names, signatures, and addition of Thomas L. Sharp, Edward Engelhard, and H. Hampton Bridges, securities, on the twenty-fourth day of May, in the year of our Lord one thousand eight hundred and thirty-nine, at Monticello, to wit, at the county aforesaid, made their certain joint and several promissory note in writing, the date whereof is the day and year aforesaid; and thereby then and there, jointly and severally, promised, twelve months after date, (meaning thereby twelve months after the date of said note,) to pay to the President, Directors, and Company of the Planters' Bank of the State of Misissippi, meaning thereby the said plaintiffs, one thousand dollars, payable and negotiable at the office of the Planters' Bank of the State of Mississippi, at Monticello, and then and there delivered the said note to the said plaintiffs; yet the said defendants, although often requested so to do, the said sum of money above demanded, to the said plaintiffs, have not paid; but so to do the said defendants have hitherto wholly refused, and still do refuse, to the damage of the said plaintiffs two thousand dollars; and therefore they sue, &c.

HOLLIDAY & CASSIDAY,
Plaintiffs' Attorneys.

Narr. And note filed at the issuing of the writ.

EDWARD L. BOWEN, *Clerk.*

And at the return term named in said writ, the defendants, by their attornies, pleaded in these words:

And now, at this term of the court, comes the defendants and defends the wrong and injury, when, &c., and say that they did not promise, undertake, or assume, in manner and form as the said plaintiffs hath above thereof complained against them; and of this they put themselves upon the country.

A. & S. SMITH,
Attorneys for defendants.

And the said plaintiffs, by their attornies, doth the like.

HOLLIDAY & CASSIDAY,
For plaintiffs.

And now, afterwards, to wit, on the sixth day of December, eighteen hundred and forty-two, came the said parties by their attornies, and issue being joined thereupon, came the following jury, to try the issue joined, to wit:

1. William Mallett, jr. 2. James Buckley. 3. William R. Asken. 4. William Neylans. 5. George W. Furr. 6. Peter Painter. 7. Doctor L. Noland. 8. Alexander Russel. 9. Major Newton. 10. Pharoah Benson. 11. William Willie. 12. Cader Mitchell.

Who being empannelled and sworn, and the declaration and note

having been read to them, thereupon the said defendants introduced the following second plea, to wit:

PLANTERS' BANK,
vs.
THOMAS L. SHARP, et al.

In the circuit court of Lawrence county, December term, 1842.

And now, at this day, that is to say, on the second day of the term aforesaid, until which day this cause was last continued, comes the said plaintiffs, by attorney, and the said defendants by attorney; and the said defendants say, that since the last continuance of this cause, that is to say, since the sixth day of the May term, 1842, of this court, from which day this cause was last continued, and before this day, that is to say, on the tenth day of June, in the year 1842, at the county aforesaid, the said plaintiff then and there being the owners of the said note sued on in this cause, and then and there being a bank within the State of Mississippi, and within the intent and meaning of the statute of this State, entitled, "An act requiring the several banks in this State to pay specie, and for other purposes," transferred the aforesaid note to the United States' Bank of Pennsylvania, contrary to the statute in such cases made and provided; and this the said defendants are ready to verify; wherefore they pray judgment if the said plaintiffs ought further to be answered in this said action, and that the same may abate.

Personally appeared in open court, Thomas L. Sharp, one of the defendants in the above stated case, who being duly sworn, upon his oath says, that the matters and things set forth in the above plea are true in substance and fact. Sworn to and subscribed in open court.

THOMAS. L. SHARP.

6th December, 1842. EDWARD L. BOWEN, *Clerk*.

Filed 6th December, 1842.

EDWARD L. BOWEN, *Clerk*.

And the said plaintiffs, by their attorney, say that the said plaintiffs ought not to be precluded from having and maintaining their aforesaid action thereof against the said defendants, by reason of any thing alleged by said defendants in their said plea of *puis darien continuance;* and that they, the said plaintiffs, are not bound by the law of the land to answer the same, and this they are ready to verify; wherefore the said plaintiffs pray judgment, &c.; and the said plaintiffs for cause of demurrer according to the statute, &c., sets down and assigns the following causes of demurrer to the said plea puis darien continuance, viz.

1*st*. Because said plea is not assigned by counsel.

2*d*. Because said plea does not state the day, year, time and place of the transfer of said note.

3*d*. Because the plaintiffs have a right by law to deal in promissory notes, bills of exchange, &c., secured by charter.

4*th*. Because the statute, the title of which is recited in said plea, is,

so far as relates to transfers of notes, bills receivable, or other evidence of debt, unconstitutional.

5th. That said plea does not state to what term said cause was continued.

6th. That said plea does not allege that said note was transferred for value received.

7th. That said plea is a plea in bar of this action, but does not conclude in manner and form as provided by law.

8th. That said plea was not presented until issue joined under the plea of non assumpsit, and the declaration and note read, a jury empannelled to try said issue.

9th. That the statute referred to in said plea does not affect the plaintiffs.

10th. That the said defendants did not tender the costs of suit in said case, up to the time of their tendering said plea with said plea.

11th. That said plea is not entitled in this cause.

12th. That the affidavit subjoined to said plea is not sufficient.

HARRIS & STONE.

To which demurrer the said defendants joined in short by consent.

And thereupon the said court upon argument, being fully advised of the same, overruled said demurrer, and leave is granted to the said plaintiffs to reply to the said plea of puis darien continuance.

Whereupon issue is joined in short by consent of counsel on both sides.

E. G. PEYTON, *for deft.*

And the said issue being submitted to the said jury, they retired to consider of their verdict, and returned the following, to wit:

We the jury find the issue joined for the defendants. It is therefore considered by the court, the said defendants go hence without day, and that said defendants recover their costs by them about their defence in that behalf expended, for which execution may issue.

But before the said jury retired from their box to consider of their verdict, the said plaintiffs presented the following bill of exceptions to the court, to wit:

THE STATE OF MISSISSIPPI, *Lawrence county.*

Circuit court, December term, 1842.

PLANTERS' BANK,
vs.
THOMAS L. SHARP, et al.

Be it remembered, that on the trial of the above cause at the term aforesaid, after the case was submitted to the jury, and after the plaintiff had introduced his evidence upon the issue joined, the defendant introduced a witness, who proved, that since the suit in the above case was instituted, the note had been transferred to the United States Bank of Pennsylvania, the defendants offered a plea, in the words and figures following, to wit:

In the circuit court of Lawrence county, December term, 1842.

PLANTERS' BANK.
vs.
THOMAS SHARP, et al.

And now at this day, that is to say, on the second day of the term aforesaid, until which day this cause was last continued, comes the said plaintiffs by attorney, and the said defendants by attorney, and the said defendants say, that since the last continuance of this cause, that is to say, since the sixth day of the May term, 1842, of this court, from which day this cause was last continued, and before this day, that is to say, on the tenth day of June, in the year 1842, at the county aforesaid, the said plaintiffs then and there being the owners of the said note sued on in this cause, and then and there being a bank within the State of Mississppi, and within the intent and meaning of the statute of this State, entitled an act requiring the several banks in this State to pay specie, and for other purposes, transferred the aforesaid note to the United States Bank of Pennsylvania, contrary to the statute in such cases made and provided; and this the said defendants are ready to verify; wherefore, they pray judgment *of* the plaintiffs ought further to be awarded in their said action, and that the same may abate.

Personally appeared in open court Thomas L. Sharp, one of the defendants in the above stated cause, who being sworn, upon his oath says, that the matters and things set forth in the above plea are true in substance and fact.

(Signed,) THOS. L. SHARP.

Sworn to and subscribed in open court, 6th December, 1842.

(Signed,) EDWD. L. BOWEN, *Clk*.

To the reception of said plea the counsel for the plaintiff objected, which objection was overruled; to which opinion of the court the counsel for plaintiffs except, and having reduced their exceptions to writing before the jury retired, pray the same may be signed [and] sealed.

Given under my hand and seal this 6th December, 1842.

(Signed,) A. G. BROWN. [SEAL.]

And now afterwards, to wit, on the 9th day of December, 1842, comes the said plaintiffs by attorney, and moves the court as follows, in said cause, to wit:

PLANTERS' BANK,
vs.
THOS. L. SHARP, et al.

Motion for a new trial in this case, because there was no issue before the jury; because the plaintiffs were surprised on the trial, by the plea of puis darien continuance, admitted by the court during the pendency of the trial, and that it was admitted without the payment of costs, &c.; because *that* plaintiffs were not allowed their day in court to plead or demurr to said plea; because a verdict was entered as returned

by the jury, when no issue was joined upon the plea aforesaid, which motion of said plaintiffs, upon argument thereof, was by the court overruled, at the costs of the said plaintiffs.

THE STATE OF MISSISSIPPI, *Lawrence county, circuit court.*

In testimony, that the preceding seven pages contain a copy of the record of the case therein stated, as the same remains in the office of said court, I, Edward L. Bowen, clerk thereof, here-
[L. S.] to put my name and the seal of said court, this 20th day of December, A. D. 1843.

EDWD. L. BOWEN, *Clk.*

Assignment of errors.

THOMAS SHARP, et al. ads. } 1003. In high court.
THE PLANTERS' BANK. }

Assignment of errors.

1. That the court below erred in allowing the plea puis darien continuance to be filed during the progress of the trial of said cause.

2. That the court below erred in overruling the demurrer to the plea of puis darien continuance, *plead* by defendants as aforesaid.

3. That [the] court below erred in permitting the evidence offered by defendants to be read in evidence to the jury.

4. That the court below erred in refusing to grant to plaintiffs a new trial.

QUITMAN & McMURRAN.
Attys. for plaintiffs in error.

And afterwards, to wit, at the January term, A. D. 1843, of our said high court of errors and appeals, this cause was continued; afterwards, to wit, at the July term, A. D. 1843, the following order was made on the minutes of said court in said cause, viz:

"Ordered, that the motion made to dismiss the supersedeas in this cause be overruled."

And afterwards, to wit, at the January term, A. D. 1844, of said court, the following entry was made upon the minutes in this case.

"Argument commenced, Judge Thacher having withdrawn from the bench, having been of counsel in the cause."

And afterwards, to wit, at the same term of said court, the following entry is made on the minutes in this cause, to wit:

"Argument concluded, and cause submitted."

And now, to wit, at the November term, A. D. 1844, (to wit, on the 9th day of December, A. D. 1844,) of said high court, the final judgment of said court was rendered in this cause, in the words and figures following, to wit:

THE PRESIDENT, DIRECTORS AND COMPANY, of the Planters' Bank of the State of Mississippi, plaintiffs in error.
vs.
THOMAS L. SHARP, EDWARD ENGELHARD & HENRY HAMPTON BRIDGES.

This cause having been submitted at a former term of this court, and the same having been duly considered by the court, it is ordered and adjudged, that the judgment of the circuit court of Lawrence county, rendered against the plaintiffs in error at the December term thereof, A. D. 1842, be and the same is hereby reversed, because rendered as a judgment in bar, and this court proceeding to render the judgment that should have been pronounced by the court below, doth order and adjudge, that the plaintiffs in error, the plaintiffs in the court below, take nothing by their writ, and that the suit be abated.

It is further considered by the court, and so ordered and adjudged, that the said plaintiffs in error do have and recover of the said defendants in error their costs in this behalf expended, to be taxed, &c.

I, John M. Duffield, clerk of the high court aforesaid, do hereby certify, that the foregoing ten pages, (this inclusive,) contain a full and complete copy of the record and final judgment of said high court, in the case therein stated, as taken from the records of my office.

Given under my hand and seal of said court, this the eighteenth day
[L. S.] of December, A. D. 1844.

J. M. DUFFIELD, *Clk.*
Clk. H. C. E. & A.

UNITED STATES, *Southern district of Mississippi, sct.*

The President of the United States, to the judges of the high court of
[L. S.] errors and appeals of the State of Mississippi, greeting:

Because that, in the record and process, and also in the rendering of judgment in a suit before you, between the President, Directors, and Company of the Planters' Bank of the State of Mississippi, plaintiffs, and Thomas L. Sharp, Edward Englehard, and Henry Hampton Bridges, defendants, in a plea of trespass on the case, &c., a manifest error has intervened, to the great damage of the said plaintiffs, as in their complaint has been stated; and as it is just and proper that the error, if any there be, should be corrected in due manner, and that full and speedy justice should be done to the parties aforesaid, in this behalf, you are hereby commanded, that if judgment thereof be given, then under your seal, you do distinctly and openly send the record and process in the suit aforesaid, with all things concerning them, and this writ, so that you have the same before the chief justice and the associate justices of the Supreme Court of the United States, at the city of Washington, being the seat of national government, on the first Monday of December next; that the record and process aforesaid being inspected, they may cause to be done thereupon what of right ought to be done.

Witness the honorable Roger B. Taney, chief justice of the Supreme Court of the United States, at the city of Washington, this third day of February, A. D. one thousand eight hundred and forty-five, and in the sixty-ninth year of the independence of the said United States.

WM. THOS. CARROLL, *C. S. C. U. S.*

Allowed by me,

P. V. DANIEL.
Associate Justice U. S. Supreme Court.

February 3, 1845.

UNITED STATES, *southern district of Mississippi:*

Be it remembered, that on the twenty-ninth day of January, in the year of our Lord one thousand eight hundred and forty-five, before the honorable Archibald Randall, judge of the district court of the United States, in and for the eastern district of Pennsylvania, and now presiding judge of the circuit court of the United States in and for the eastern district of Pennsylvania, in the third circuit, came John Bacon, Alexander Symington, and Thomas Robins, and acknowledged themselves jointly and severally to owe unto Thomas L. Sharp, Edward Englehard, and Henry Hampton Bridges, five hundred dollars, lawful money of the United States, to be levied of their goods and chattels, lands and tenements, joint and several, to the use of the said Thomas L. Sharp, Edward Englehard and Henry Hampton Bridges.

Upon condition, that whereas the President, Directors and Company of the Planters' Bank of the State of Mississippi, have sued out a writ of error from the Supreme Court of the United States, to the judges of the high court of errors and appeals of the State of Mississippi directed, commanding them to send the record and process of a certain suit between the said the President, Directors and Company of the Planters' Bank of the State of Mississippi, plaintiffs, and the said Thomas L. Sharp, Edward Englehard, and Henry Hampton Bridges, defendants, so that the same should be before the chief justice and the associate justices of the Supreme Court of the United States, on the first Monday of December next, at the city of Washington, being the seat of National Government; that the record and process aforesaid being inspected, the said Supreme Court may cause to be done thereupon what of right ought to be done.

Now, if the said the President, Directors and Company of the Planters' Bank of the State of Mississippi, shall answer all such costs as upon an affirmance of the said judgment may be adjudged to the defendants in error, then this recognizance to be void, otherwise to be and remain full in force.

JOHN BACON,
A. SYMINGTON,
THOMAS ROBINS.

Taken and acknowledged, this 30th day of January, 1845, before

ARCH'D RANDALL,
Judge of the district court of the United States for the eastern district of Penn., and now presiding judge of the circuit court for the said district in the third circuit.

I have no doubt the above is ample security.

FRA. HOPKINSON, *Clerk circuit court*.

Philadelphia, January 30, 1845.

Approved, PETER V. DANIEL,

Associate justice of the Supreme Court of the United States.

February 4th, 1845.

STATE OF MISSISSIPPI,

High court of errors and appeals:

I, John M. Duffield, clerk of the high court of errors and appeals, do hereby certify, that the foregoing twelve pages contain a full, true, and complete transcript of the record and of the judgment in the case therein named, as the same appears of record in my office.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at Jackson, this twenty-sixth day of Febru-
[SEAL] ary, A. D. 1845.

J. M. DUFFIELD, *Clerk*.

Citation.

UNITED STATES,

Southern district of Mississippi, sct:

To Thomas L. Sharp, Edward Englehard, and Henry Hampton Bridges.

Whereas by a writ of error, issuing out of the Supreme Court of the United States, directed to the judges of the high court of errors and appeals of the State of Mississippi, wherein the President, Directors and Company of the Planters' Bank of the State of Mississippi, are the plaintiffs, the said judges are directed to send the record and process of a certain suit, with all things concerning them, so that the same may be had before the chief justice and the associate justices of the Supreme Court of the United States, on the first Monday of December next, at the city of Washington, being the seat of the National Government; in which suit the said the President, Directors and Company of the Planters' Bank of the State of Mississippi were original plaintiffs, and you, the said Thomas L. Sharp, Edward Englehard, and Henry Hampton Bridges were defendants, in a plea of trespass on the case, &c.; that the record and process aforesaid being inspected, they, the said chief justice and associate justices, may cause to be done thereupon what of right ought to be done; and the said plaintiffs in error having made an assignment of errors, and given good and sufficient security, that the plaintiff in error shall well and truly prosecute their said writ of error to effect, and answer all such costs as upon an affirmance of the judgment of the said high court of errors and appeals of the State of Mississippi may be adjudged to the defendants in error. You are hereby cited to appear, (if you see cause,) at the said Supreme Court, at the time and place aforesaid, to answer to the said writ of error, and the errors assigned by the said plaintiffs.

Given under my hand and seal, this 3rd day of February, one thousand eight hundred and forty-five.

P. V DANIEL,
Associate justice of the Supreme Court of the United States.

Executed March 31st, 1845, on Edward Englehard, by handing him a copy.

ANDERSON MILLER,
Marshal of the So. Dist. Mississippi,
By GEO. B. ADAMS, *Deputy*.

Executed on Thomas L. Sharp by handing him a copy, 27th March, 1845.

ANDERSON MILLER,
Marshal So. Dist. of Miss.
By his deputy N. G. WATTS.

Received $13 of G. S. Gwyn, esq., in full for serving this citation on Thos. L. Sharpe.

A. MILLER, *Marshal*,
By N. G. WATTS.

I hereby authorize and depute Theodore S. Swift, esq., to execute the within citation.

Witness my hand and seal, this 7 April, 1845.

ANDERSON MILLER, [SEAL]
Marshal of the southern district of Mississippi.

Executed on Henry Hampton Bridges, April 19th, 1845, by leaving a copy of this citation with the wife of said Bridges at his place of residence.

ANDERSON MILLER,
Marshal So. Dist. of the State of Mississippi,
By T. S. SWIFT, *Special deputy*.

Fee $10.

Filed 26th June, 1845.